

PATENT

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being deposited via facsimile to Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, Technology Center 1600 Attention: Examiner Chih-Min Kam, Ph.D, at fax number 703 872 9307 on

September 19, 2003


 Jane A. Walker
 September 19, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 09/838,968
 Applicant: Michael B. Foster
 Confirmation No.: 1662
 Filed: April 20, 2001
 Title: **METHOD OF OPTIMIZING GROWTH HORMONE REPLACEMENT**
 Examiner: Kam
 Art Unit: 1653
 Attorney Ref. No.: RENAS-03



Cincinnati, Ohio

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 P.O. Box 1450
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SEP 22 2003

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed May 19, 2003 finally rejecting claims 1-3, 5-11 and 13-16.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

other than a small entity.
 a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$160.00
<input type="checkbox"/>	other than a small entity	\$320.00

Notice of Appeal fee due \$160.00

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00
<input type="checkbox"/> fifth month	\$1,970.00	\$985.00

Fee \$55.00

Attached is a check in the amount of \$_____ for the one month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

(b) _____ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$160.00.
Extension fee (if any) \$ 55.00.

Total Fee due \$215.00

4. Fee Payment

— Attached is a check is the sum of _____

X The Commissioner is hereby authorized to charge the amount of \$215.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

5. Fee Deficiency

XX Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Beverly A. Lyman
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 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

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 TRUMAN A. HERRON 1935-1976
 EDWARD B. EVANS 1936-1971

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TO: Commissioner for Patents
 ATTN: Examiner Kam

RE: Serial No. 09/838,968

FROM: Beverly A. Lyman,
 Esquire

RE: Our Ref.: RENAS-03

Fax No.: 1 703 872 9307

Pages (including cover page): 7

Date: September 19, 2003

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Attached for filing is Applicant's Notice of Appeal form the Primary Examiner to the Board of Appeals. Thank you.

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being delivered via facsimile to 703
 872 9307, ATTN: Examiner Kam, on September 19, 2003.

Jane A. Walker Jane A. Walker September 19, 2003
 Jane A. Walker Date